

REMARKS

Claims 1-2, 4-13, 15-18, 20-21, 23-26, and 28-36, all the claims pending in the application, stand rejected on prior art grounds. Applicants respectfully traverse these rejections based on the following discussion.

I. The Prior Art Rejections

Claims 1-2, 4-13, 15-18, 20-21, 23-26, and 28-36 stand rejected under 35 U.S.C. §102(b) as being anticipated by Kung, et al. (U.S. Patent No. 6,373,817), hereinafter referred to as Kung. Applicants respectfully traverse these rejections based on the following discussion.

The claimed invention provides a method for routing a communication connection request. In the rejection, the Office Action argues that Kung discloses many features of the claimed invention. However, Kung does not disclose that the communication connection request from the caller does not identify the called party. Instead, Kung attempts to track a called party down after the called party has been identified by the caller. Moreover, Kung does not disclose that the identification and/or contact information of the called party is unknown to the caller. Instead, Kung merely discloses *when* the called party may be contacted by the calling party (caller). Furthermore, Kung is directed towards a system and method of routing a call initiated by a caller to a called party when the called party is not at a predetermined location. Nothing within Kung teaches or suggests that the called party is selected without input from the caller. Although the Office Action argues that such a feature is disclosed by Kung, the Office

Action fails to reference any support to maintain such an assertion. Therefore, as explained in greater detail below, Applicants respectfully submit that the prior art of record does not teach or suggest the claimed invention.

First of all, Kung is conceptually unrelated to the claimed invention. Specifically, Kung attempts to track a called party down after *the called party has been identified by the caller*. Kung discloses a “chase me system” (title) wherein a telephone call can be routed to a called party if the called party is not at a called party location. More specifically, “if the called party is not at a premises where the first terminal is located and the called party has authorized chasing service” Kung discloses “alerting the calling party that the called party is not at the primary location and offering one of messaging service or chasing service to the calling party” (Kung, col. 2, lines 15-37; independent claims 1 and 14). As further discussed in the “Field of Invention” section of Kung, “[t]he present invention relates to methods for routing Internet broadband communications between or among users no matter where the called party may be, and more particularly, to ... a public switched telephone network to chase called parties even when the called party may be traveling via airplane.”

To the contrary, the claimed invention identifies the called party for the caller. In other words, the communication connection request from the caller does not identify the called party. Such features are defined in independent claims 1, 12, 17, 28, 29, and 36 using similar language.

Further, as described in paragraphs 0042-0044 of Applicants’ disclosure, FIG. 3 describes a method according to an embodiment of the present invention. We begin with

block 310, and receive a context communication request. Receiving a context communication request may entail receiving digits or access codes from a telephone handset, wired or wireless. This includes but is not limited to a user dialing a personal communication number (e.g. a 7 or 10 digit number which is the same for all calls), speaking a command, depressing a button or touch screen on such a device. Alternately, it may include receiving a single user action such as clicking a button on a screen, indicating a selection on a PDA.

The context communication request differs from a caller placing a normal call in that the normal call requires the indication of a connection target, or called party. The called party is indicated either by dialing digits representing the called number, by using abbreviated dialing, voice dialing, or in the case of a VOIP connection potentially indicating a VOIP destination IP address. Such digits or other indications differ with the target of the call. However, the context communication request does not change. We continue with block 320. Details of block 320 may be found in FIG. 4. In block 320 we identify the initiating or calling party.

Accordingly, Applicants submit that Kung does not disclose that the communication connection request from the caller does not identify the called party. Instead, Kung attempts to track a called party down after the called party has been identified by the caller. Therefore, it is Applicants' position that Kung fails to teach or suggest the claimed feature of "receiving a communication connection request from a communication connection requestor, wherein said communication connection request

does not identify a called party and only identifies said communication connection requestor” as defined by independent claims 1 and 36.

Furthermore, Kung fails to teach or suggest the claimed features of “receiving a communication connection request from a user, wherein said communication connection request does not identify a called party and only identifies said user” as defined by independent claim 12 and “receiving a communication connection request from a caller, wherein said communication connection request does not identify a called party and only identifies said caller” as defined by independent claims 17 and 28. Additionally, Kung fails to teach or suggest the claimed feature of “a receiver operative to receive a communication connection request from a caller, wherein said communication connection request does not identify a called party and only identifies said caller” as defined by independent claim 29.

The Office Action argues that Kung discloses that “at least one of an identification of said called party and contact information for said called party is unknown to said user” (Office Action, p. 4, item 5). Such features are defined in independent claims 1, 12, 17, 28, 29, and 36 using identical language.

More specifically, the Office Action argues that “chase me information is announced only to the called party” (Office Action, p. 4, item 5). Applicants disagree with such a conclusion. In support for this contention, the Office Action cites column 35, lines 61-65 of Kung (Office Action, p. 4, item 5). However, contrary to the position taken in the Office Action, the cited portion of Kung teaches that the chase me information is NOT announced to the called party.

More specifically, Kung discloses that “there is no concurrent indication to the [called party] user that the system is chasing or following the [called party] user” (Kung, col. 35, lines 61-65). The reason why the information is NOT announced to the called party is “so that the called party user may not feel as obligated to take the call” (Kung, col. 35, lines 61-65).

Therefore, contrary to the position taken in the Office Action, Kung does not teach that “chase me information is announced only to the called party”. As such, Kung does not disclose that the identification and/or contact information for the called party is unknown to the caller (independent claims 1, 12, 17, 28, 29, and 36).

Moreover, Applicants note that the unknown entity in this scenario is the *calling* party (caller) – the Office Action argues that the information is announced only to the called party (i.e., and not the calling party). The claimed invention defines that “at least one of an identification of said *called* party and contact information for said *called* party is unknown to said user” (independent claims 12 and 36, emphasis added). The cited portions of Kung only discuss that the *calling* party is unknown “so that the called party user may not feel as obligated to take the call” (Kung, col. 35, lines 61-65); Kung does not disclose that the called party is unknown to the calling party.

In further support of its arguments, the Office Action cites column 36, lines 1-4 of Kung, which discloses that “the [called party] user may be willing to accept calls from their daughter traveling in Europe at any time of the day ... but calls from the boss only between the hours of 8:00 AM and 8:00 PM” (Office Action, p. 4, item 5). However, the cited portion of Kung does not teach or suggest that the identification and/or contact

information of the called party (i.e., Parent or Employee) is unknown to the caller (i.e., Daughter or Boss). Instead, the cited portion of Kung merely discloses *when* the caller may contact the called party (i.e., the Daughter may contact the Parent at any time of the day; the Boss may contact the Employee between 8 AM and 8 PM).

Contrary to the position taken in the Office Action, Kung does not disclose that the identification and/or contact information of the Parent is unknown to the Daughter, or vice versa. Moreover, Kung does not disclose that the identification and/or contact information of the Employee is unknown to the Boss, or vice versa.

More specifically, column 10, line 44 – column 11, line 13 of Kung demonstrate that the called party is known to the caller -- “a user picks up a telephone”, “for contacting the called party”, “the call did not go through as dialed” (the fact that a number is dialed indicates that the caller knows the number). Moreover, the called party is identified only by user input and not automatically as defined by independent claims 1 and 36. As discussed in column 13, lines 47-49, a called party may be added to/deleted from a call and given/denied call privileges in real time “in response to user input”. Further, as described in column 28, line 38 – column 29, line 44, the user is required to identify the called party – “dialed digits”, “called party address data”, “until all called party address data have been collected”, “The called party address data including Internet address or dialed digits may then be transferred to the call manager 218 one at a time as they are entered” (entered by the user is implied), “On receiving the called party address data” (from the user is implied). Additionally, Kung provides that “Where the called party address data do not form a valid sequence, the call manager 218 will return an error

indication to the broadband residential gateway 300. The error designation may include a tone and/or a more detailed error message for display on, for example, display 338” (column 29, lines 1-44). Therefore, the caller is informed when the called party is not correctly identified. Kung requires that the called party be identified, and be identified correctly in this situation.

Furthermore, the Office Action argues that the contact information for the called party (i.e., the Biltmore Hotel) is unknown to the caller (i.e., the Boss) (Office Action, p. 4, last sentence). The Office Action cites column 35, lines 1-3 of Kung, which discloses that “the [called party] user may only be reached at the Biltmore Hotel between the hours of 12:00 noon and 10:00 PM on a given day” (Office Action, p. 4, last sentence). However, the cited portion of Kung does not teach or suggest that the contact information of the called party (Employee) is unknown to the caller (Boss). Instead, the cited portion of Kung merely discloses *when* the called party can be reached.

Contrary to the position taken in the Office Action, Kung does not disclose that the contact information of the Employee is unknown to the Boss. As described more fully above, nothing within Kung, including the portions cited by the Office Action, teaches or suggests that the Boss does not know that the Employee can be contacted at the Biltmore Hotel.

Accordingly, Applicants submit that Kung does not disclose that the identification and/or contact information of the called party is unknown to the caller. Instead, Kung merely discloses *when* the called party may be contacted by the calling party (caller). Therefore, it is Applicants’ position that Kung does not disclose the claimed feature

“wherein at least one of an identification of said called party and contact information for said called party is unknown to said communication connection requestor” as defined by independent claims 1 and 36.

Further, Kung does not disclose the claimed features “wherein at least one of an identification of said called party and contact information for said called party is unknown to said user” as defined by independent claim 12 and “wherein at least one of an identification of said called party and contact information for said called party is unknown to said caller” as defined by independent claims 17, 28, and 29.

In addition, the Office Action argues that Kung discloses receiving a communication connection request from a caller and selecting a called party without additional input from said caller” (Office Action, p. 10, item 9). Such a feature is defined in independent claims 1, 12, 17, 28, 29, and 36 using similar language.

However, the Office Action does not reference any support (within Kung or any other cited prior art reference) to maintain such an assertion. Applicants submit that nothing within Kung teaches or suggests the claimed feature of selecting a called party without additional input from said caller (independent claim 36).

As discussed above, Kung discloses a “chase me system” (title) wherein a telephone call can be routed to a called party if the called party is not at a called party location. More specifically, “if the called party is not at a premises where the first terminal is located and the called party has authorized chasing service” Kung discloses “alerting the calling party that the called party is not at the primary location and offering one of messaging service or chasing service to the calling party” (Kung, col. 2, lines 15-

37; independent claims 1 and 14). As further discussed in the “Field of Invention” section of Kung, “[t]he present invention relates to methods for routing Internet broadband communications between or among users no matter where the called party may be, and more particularly, to ... a public switched telephone network to chase called parties even when the called party may be traveling via airplane.”

Therefore, Kung is directed towards a system and method of routing a call initiated by a caller to a called party when the called party is not at a predetermined location. Nothing within Kung teaches or suggests that the called party is selected without input from the caller. Although the Office Action argues that such a feature is disclosed by Kung, the Office Action fails to reference any support to maintain such an assertion. Accordingly, it is Applicants’ position that Kung fails to teach or suggest the claimed feature wherein “said communication connection action comprises a decision as to who should be called and to whom said communication connection requestor should be telephonically connected without additional input from said communication connection requestor” as defined by independent claim 1.

Further, Kung fails to teach or suggest the claimed features wherein “said communication connection action comprises a decision as to who should be called and to whom said user should be telephonically connected without additional input from said user” as defined by independent claim 12, and wherein “said communication connection action comprises a decision as to who should be called and to whom said caller should be telephonically connected without additional input from said caller” as defined by independent claims 17, 28, and 29. Additionally, Kung fails to teach or suggest the

claimed feature of “receiving a communication connection request from a caller ... [and] selecting a called party without additional input from said caller” as defined by independent claim 36.

Therefore, it is Applicants’ position that Kung does not teach or suggest many features defined by independent claims 1, 12, 17, 28, 29, and 36 and that such claims are patentable over the prior art of record. Further, it is Applicants’ position that dependent claims 2, 4-11, 13, 15-16, 18, 20-21, 23-26, and 30-35 are similarly patentable, not only because of their dependency from a patentable independent claims, but also because of the additional features of the invention they defined. In view of the foregoing, the Examiner is respectfully requested to reconsider and withdraw the rejections.

II. Formal Matters and Conclusion

With respect to the rejections to the claims, the claims have been amended, above, to overcome these rejections. In view of the foregoing, the Examiner is respectfully requested to reconsider and withdraw the rejections to the claims.

In view of the foregoing, Applicants submit that claims 1-2, 4-13, 15-18, 20-21, 23-26, and 28-36, all the claims presently pending in the application, are patentably distinct from the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary. Please charge any deficiencies and credit any overpayments to Attorney's Deposit Account Number 50-0510.

Respectfully submitted,

Dated: _____

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